



# ICO consultation on the draft updated data sharing code of practice

Q1 Does the updated code adequately explain and advise on the new aspects of data protection legislation which are relevant to data sharing?

☒ Yes

☐ No

Q2 If not, please specify where improvements could be made.

Q3 Does the draft code cover the right issues about data sharing?

☐ Yes

☒ No

Q4 If no, what other issues would you like to be covered in it?

Specific guidance on data sharing for publicly funded arms length bodies (ALBs) such as Museums which have trading companies. What are the data sharing implications for these wholly owned subsidiaries? There will often be little distinction between the Museum and its trading subsidiary as day to day activities are carried out by both bodies and staff may be employed by either the Museum or the trading company. This means there are not internal distinctions between data that might technically be considered to be owned by the Museum versus the trading company - instead it is all seen as the museum's data. Operationally, this presents as 'internal' sharing but legally they are still two separate entities. How would the data sharing code apply in this scenario?

Q5 Does the draft code contain the right level of detail?

☒ Yes

☐ No

Q6 If no, in what areas should there be more detail within the draft code?

Q7 Has the draft code sufficiently addressed new areas or developments in data protection that are having an impact on your organisation's data sharing practices?

☐ Yes

☒ No

Q8 If no, please specify what areas are not being addressed, or not being addressed in enough detail.

Hybrid bodies e.g. museums with trading companies (see q.4)

Q9 Does the draft code provide enough clarity on good practice in data sharing?

☒ Yes

☐ No

Q10 If no, please indicate the section(s) of the draft code which could be improved, and what can be done to make the section(s) clearer.

Q11 Does the draft code strike the right balance between recognising the benefits of sharing data and the need to protect it?

☒ Yes

☐ No

Q12 If no, in what way does the draft code fail to strike this balance?

Q13 Does the draft code cover case studies or data sharing scenarios relevant to your organisation?

☐ Yes

☒ No

Q14 Please provide any further comments or suggestions you may have about the draft code.

Case studies relating to hybrid bodies such as Museums or charities with trading subsidiaries

Q15 To what extent do you agree that the draft code is clear and easy to understand?

- ☐ Strongly agree
- ☒ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree

Q16 Are you answering as:

- ☐ An individual acting in a private capacity (e.g. someone providing their views as a member of the public or the public)
- ☒ An individual acting in a professional capacity
- ☐ On behalf of an organisation
- ☐ Other

Q17 Please specify

Answering as a DPO

Q18 Please specify

Q19 Please specify

Thank you for taking the time to share your views and experience.